



CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/23/04

Agenda Item 2

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: **Appeal of Planning Director Denial of Variance No. PL-2004-0356** – Request to Retain a 13-Foot Tall Monument Sign with a 29-Inch Setback and to Retain a 57-Square-Foot Wall Sign – Rajeshkumar Khatri (Applicant/Owner)

The Property is Located at 21800 Foothill Boulevard, in a General Commercial (CG) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305 *Minor Alterations in Land Use Limitations*; and
2. Uphold the Planning Director's decision to deny the variance application subject to the attached findings.

DISCUSSION

On August 23, 1994, a sign permit was issued that allowed a 13-foot, 3-inch tall (126 square feet total), internally-illuminated monument sign with a 3-foot setback from the front property line, and a 57-square-foot internally-illuminated wall sign located on the north side of the 30-room Super 8 Motel. Contrary to the approved sign permit, the monument sign was installed with a 29-inch setback.

The Sign Ordinance was amended on December 28, 1995, making the two signs legally non-conforming. The current Sign Ordinance allows for up to one monument sign and two wall signs not to exceed 100 square feet total for all establishments within the General Commercial (CG) District. Individual wall signs may not exceed 50 square feet. Wall signs are usually placed on building frontages; however, they may be placed on non-frontage walls. Monument signs may not exceed 36 square feet per face and are limited to 12 feet in height. A 12-foot high sign must be setback 12 feet from the front property line. The setback may be reduced 1-foot for every foot the sign is lowered, down to a minimum 2 feet. For example, a 6-foot high monument sign would have to be set back 6 feet from the front property line.

Subsequently, the applicant, Rajesh K. Khatri, constructed a 23-room addition and exterior remodel of the Super 8 Motel, and requested a variance to retain the non-conforming monument and wall signs. On February 6, 1997, the Planning Commission denied the variance request, and a condition of approval of the use permit for the addition and remodel required removal of the signs (Attachment B). The applicant accepted the conditions of approval and did not appeal the Planning Commission decision to the City Council.

On April 13, 1998, the Planning Director granted a one-year extension of the use permit for the additional 23 rooms and the remodel. The project was completed; however, the signs were not removed.

On March 3, 2003, a letter was sent to the applicant requesting that he remove the two signs in compliance with the Planning Commission action in 1997 (Attachment C). In addition, the letter noted that the landscaping is not well maintained. Due to noncompliance, Community Preservation staff requested removal of the signs. As a result of the inspection, the applicant again submitted a variance application requesting to maintain the monument and wall signs.

On July 7, 2004, the Planning Director denied the application request to retain the non-conforming signs. The applicant appealed the decision based on the belief that the 10-foot setback of the proposed veterinary clinic to be built to the south of the motel would result in blocking his monument sign if located according to the Sign Regulations (Attachments D and E).

On November 27, 2002, the Planning Director administratively and conditionally approved Administrative Use Permit No. PI-2002-0258, allowing the construction of the veterinary clinic and residence. On December 12, 2002, the motel owner appealed the Planning Director's decision to approve the proposed veterinary clinic because the front yard would be only 10 feet deep. In addition, he felt that it is not appropriate to build a veterinary clinic next to his motel. However, on March 13, 2003, the Planning Commission upheld the Planning Director's decision to conditionally approve the construction of the veterinary clinic and residence since it met development and design standards.

Approval of a sign variance requires three findings:

- 1) There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district; and
- 2) Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district; and
- 3) The granting of the variance does not grant a special privilege inconsistent with the limitations on other properties in the same district.

It is staff's opinion that the Super 8 Motel property does not have special conditions or circumstances peculiar to it. To the contrary, the original 30-room building is on the front property line as many of the buildings on that portion of Foothill Boulevard giving it maximum visibility. The applicant claims that the veterinary clinic would block the view of his monument

sign. However, buildings in the General Commercial District are permitted either to be built to the front property line or at a 10-foot setback. The 10-foot setback of the veterinary clinic actually provides the Super 8 Motel more visibility. For example, a 6-foot high monument sign located 6 feet from the front property line would not be visibly obstructed.

The Planning Commission has been consistent in requiring the removal of nonconforming signs as part of the permit approval process. East Bay Motor Sports, which shares a common property line with Super 8 Motel, was required to remove a roof sign as a condition of approval. In staff's opinion, approval of the variance could constitute a grant of a special privilege and possibly set an unfavorable precedent since other business owners in the same district had to comply with the Sign Ordinance.

The applicant has the option to conform to the Sign Ordinance which would allow up to 100 square feet of sign area including one monument sign with 36 square feet of sign area on each side and two wall signs, each not exceeding 50 square feet. If the monument sign is shorter in height, it could be placed closer to the street and it would be easily seen from a vehicle. In addition, the applicant can take advantage of the south facing wall adjacent to the driveway to install a wall sign. Furthermore, staff encourages the installation of a 50-square-foot wall sign replacing the unattractive nonconforming 57-square-foot wall sign located on the north wall. All new signs would be required to meet design guidelines and could not be cabinet signs. Such signs might contain internally-illuminated individual letters and a logo.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations in Land Use Limitations*.

PUBLIC NOTICE

On July 7, 2004, a Notice of Decision was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the North Hayward Neighborhood Task Force.

On September 13, 2004, a Notice of Public Hearing for the Planning Commission meeting was mailed. No phone calls or e-mails were received.


CONCLUSION

The existing monument and wall sign are inconsistent with the Sign Ordinance. In 1997, the Planning Commission required removal of non-conforming signs. The remodel and expansion of the motel was completed without compliance with the conditions of approval.

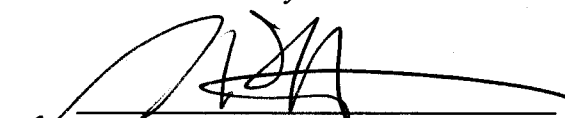
The applicant feels that a variance is justified because, without the signs, his business would not be visible. In staff's opinion, the business enjoys good visibility and identification and there are no special circumstances that would justify the approval of a variance

If the Planning Commission were to determine that signs permitted by the Sign Regulations are inadequate to identify the business and these signs are necessary, then staff should be directed to return with appropriate findings and conditions of approval.

Prepared by:

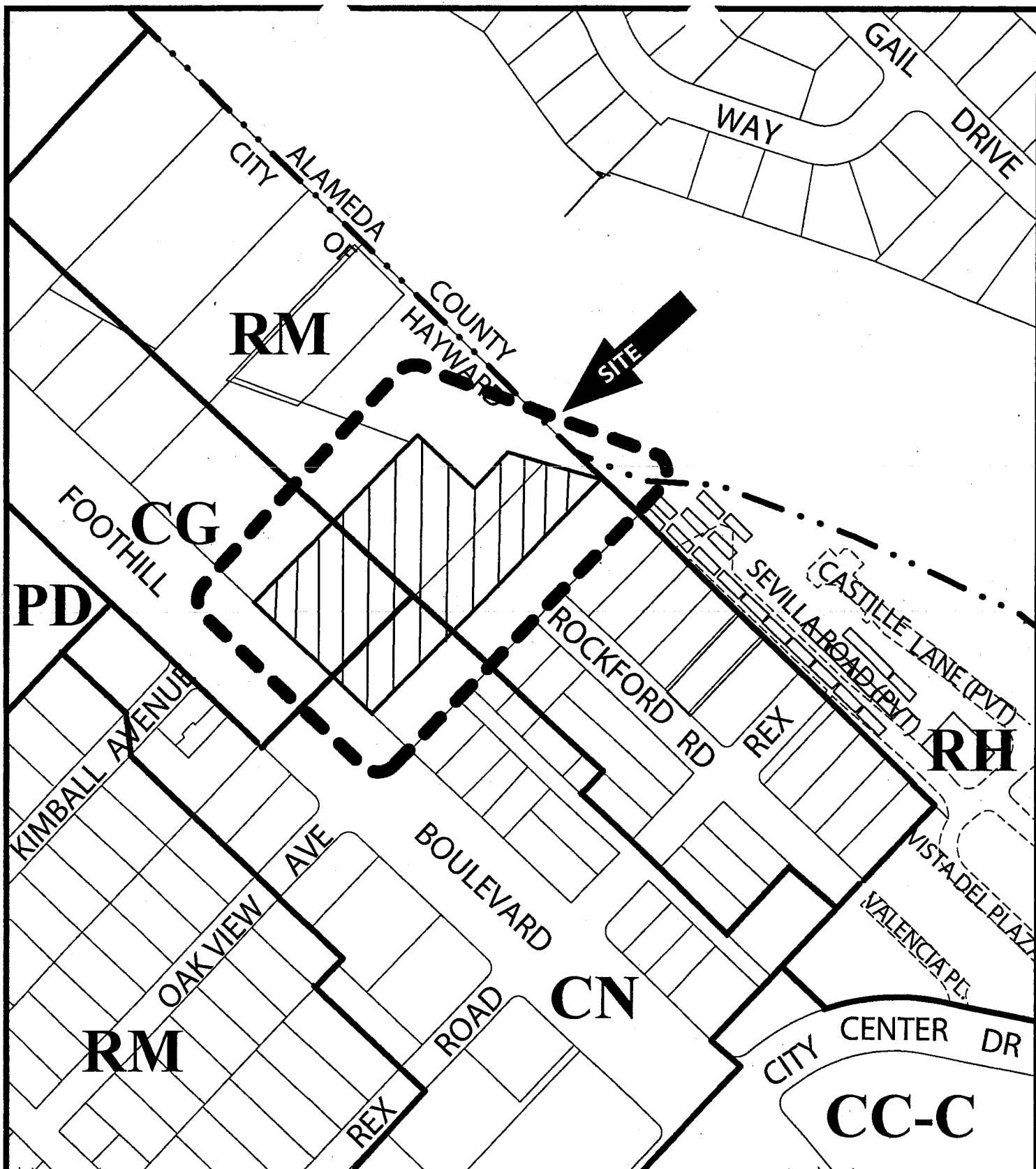

Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
 - B. Findings for Denial of Variance Application
 - C. Planning Commission Minutes Dated February 6, 1997
 - D. Staff Letter Dated March 3, 2003
 - E. Appeal Letter Dated July 20, 2004
 - F. Appeal for Veterinary Clinic Dated December 12, 2002
 - G. Planning Commission Minutes Dated March 13, 2003
 - H. Photos submitted by the Applicant
- Plans: Original Plans Approve August 23, 1994 and Site Plan and Sign Plans Submitted June 25, 2004



Area & Zoning Map

PL-2004-356 VAR

Address: 21800 Foothill Boulevard

Applicant: Rajeshkumar Khatri

Owner: Rajeshkumar Khatri

CC-C-Central City-Commercial

CG-General Commercial

CN-Neighborhood Commercial

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4



**CITY OF HAYWARD
PLANNING DIVISION
VARIANCE DENIAL
FINDINGS FOR DENIAL**

- A. Denial of Variance Application No.2004-0356, is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations in Land Use Limitations*.
- B. There are no special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district that warrant the retention of the illegal monument sign and the wall sign. Visibility of the motel is good in that the building's placement on the Foothill Boulevard property line allows for easy identification.
- C. Literal interpretation of this article would not cause a hardship or deprive the applicant of rights enjoyed by others in the same district in that monument sign and wall sign do not meet current Sign Ordinance standards and no similar signs in the same district have been approved.
- D. The granting of the variance would grant a special privilege inconsistent with the limitations on other properties in the same district. Under the provisions of the current Sign Ordinance, no precedent has been set where other properties have been permitted oversized wall or monument signs with substandard front yard setbacks.

MINUTES

REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Centennial Hall,
Room 6, Thursday, February 6, 1997, 7:30 p.m.
22292 Foothill Boulevard, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:35 p.m. by Chairperson Kirby, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Caveglia, Dowling, Halliday, Williams
CHAIRPERSON Kirby
Absent: COMMISSIONER Fish

Staff Members Present: Anderly, Hom, Koonze, Looney, Mullen, Nakatsu, Penick

General Public Present: Approximately 6

PUBLIC COMMENT - None

AGENDA

PUBLIC HEARINGS

1. USE PERMIT APPLICATION NO. 96-160-14 & VARIANCE NO. 97-180-01- ROGER AND KANT KHATRI (APPLICANTS/OWNERS) - Request for a use permit to construct a 23-room motel building expansion and minor exterior remodeling to the 30-room Super 8 Motel; and a variance to retain a legal nonconforming monument sign and wall sign. The site is located at 21800 Foothill Boulevard on the east side of Foothill Boulevard in a General Commercial (CG) Zoning District (APN: 415-190-58-2 & 60-4).
(CONTINUED FROM JANUARY 23, 1997 MEETING.)

Associate Planner Mullen explained that the continuance of the application was due to Cal Trans needing more time to review the application. Cal Trans has property bounding both sides of the project so they were concerned with right-of-way questions. No further concern was expressed by them and their comments were included in the report. He said staff was asking for a denial of the variance since expansion to the existing building will be more than 25 percent. He added that the sign was erected in 1994 and conformed to the Sign Ordinance at that time. Since the proposed construction will be an improvement over the present structure, staff asked for approval of the use permit application.

Public Hearing Opened - 8 p.m.

Charles D. Mullen, 1600 B Street, architect for the project, spoke on behalf of the applicant and asked for reconsideration on various conditions of approval in the application. He said that the motel is not a high-image business and needed to continue use of the present sign for visibility and in order to be competitive. He indicated that any further shrinkage of the sign would totally obscure the location, particularly during the day.

He asked for a modification of Condition 4.d. saying wood complicates the design, is expensive and does not keep with the Mediterranean design. He asked for reconsideration of 4.i., the alignment of the columns. Conditions 4.j. would eliminate the sunlight needed in the lobby. Condition 5.a., moving back the setback of the building to save the eucalyptus tree would create the loss of at least one or two units in the motel in order to comply, not making the project viable. He said his design gave a full ten-foot setback for the base of the tree. He asked that condition 9. include a cheaper material such as a split faced block since the retaining wall is a high-cost, limited-return item. He asked for reconsideration of condition 23, solid decorative architectural metal access gates for the trash enclosure since this would add unnecessary cost to the project and would not be seen from the front.

Beatrice Thornton, 816 Pinedale Court, commented on the difference in the present and proposed structure of the motel. She said she was impressed with the design and believes another motel is needed downtown. She added that she feels strongly about the sign ordinance and asked that it be enforced.

Sherman Balch, 1410 Calhoun, said he knows Mr. Mullen's work and reputation and asked for consideration of maintaining the present sign since it was erected only 2 years ago and conformed to the Sign Ordinance at that time.

Public Hearing Closed 8:35 p.m.

Commissioner Dowling moved, seconded by Commissioner Caveglia, to approve the use permit with amendments but not the variance. He said if there is a variance granted in this instance other owners will soon ask for similar consideration. He added that the Sign Ordinance does not require a change unless the expansion is more than 25 percent and said this change is closer to 40 percent.

The Conditions of Approval were amended as follows: 4.d. Wood trim or other architectural details shall be used...; delete 4.i; delete 4.j.; amend 5.a. Eucalyptus tree...unless an agreement can be reached with staff and adjacent owner; amend 9.j. retaining walls...or split faced block in earth-tone color; 23. delete, "Access gates shall be solid decorative architectural metal."

The motion passed unanimously, 6-0-1, with Commissioner Fish absent.

2. **TENTATIVE PARCEL MAP 7011 - HON KEUNG LI AND CHUN FUNG KONG (SUBDIVIDERS/OWNERS)** - Request to subdivide one parcel totalling 1.18± acres into four single-family parcels ranging in size from 7,987± sq.ft. to 22,927± sq.ft. The property is located on the east side of Call Avenue, between Hayward Boulevard and Chronicle Avenue, in an RS (Single-Family Residential, 5,000 minimum sq.ft. lot size) District.

Development Services Specialist Koonze presented the staff report and indicated that this was for tentative approval to the parcel map only.

Commissioner Caveglia asked specifically that the neighborhood be notified when the grading permit is up for consideration and was told they would be.

Public hearing Opened - 9:04 p.m.

Jeff Lea, Lea and Sung Engineering, 26229 Eden Landing Road, Ste. 2, said he represented the owners who are presently living in Canada. He indicated that there were two minor items for consideration in the Conditions of Approval. He asked that condition 10 be amended by eliminating "to the centerline of Call



CITY OF
HAYWARD

HEART OF THE BAY
March 3, 2003

Roger and Kant Khatri
9 Spring Lane
Belmont, CA 94002

Dear Mr. and Mrs. Khatri:

Re: Super 8 Motel - Foothill Boulevard, Hayward
Use Permit Application No. 96-160-14 and
Variance Application 97-180-01

When I reviewed your appeal letter regarding the proposed veterinary clinic/apartment, I decided to visit your property to see how the proposed structure might impact your business as you indicate. As I visited, I was quite surprised to find that much of your new landscaping has been overcome with weeds and has not been well maintained. I also note that the freestanding sign and the wall sign (north side) that the Planning Commission denied in 1997 was never removed, even though you were requested to do so. Therefore, I must request that these sign be removed immediately. Any new sign requires a sign permit, its design must be consistent with the Spanish design theme of the Foothill Boulevard area, and it must comply with the City's current Sign Regulations. Also, please replace any dead or dying plants and rid all the planting areas of weeds.

You are welcome to contact me regarding these issues at (510) 583-4214, or e-mail me at dyana.anderly@ci.hayward.ca.us, if you need further assistance or information.

Sincerely,

Dyana Anderly, AICP
Planning Manager

RECEIVED

Rajesh K. Khatri
18005 Walnut Road
Castro Valley, Ca. 94546
Ph / Fax 510-581-3067

JUL 20 2004

PLANNING DIVISION

July 20, 2004

To,
City Of Hayward
Arlynn J. Camire AICP associate Planner
777 B. Street
Hayward, Ca. 94541

Via Fax # 510-583-3649 / Hand Delivered

RE; Signs Super 8 Motel 21800, Foothill Blvd, Hayward. Ca. 94541
Reference # PL-2004-0356 VAR
Applicant / Owner Mr, Rajeshkumar Khatri

Dear Arlynn

We would like to at this time notify you that we are appealing the decision by the Planning Director not allowing us to retain the legal non -conforming existing monument and Wall signage.

Our appeal is on the basis that we did not create the problem of visibility that the city created the problem by not allowing big enough set back for the new animal Hospital, which will create a blockage of the view of our signage

In our Variance Application we provided detailed photographs, plots plan and the three required findings showing the difficult situation that has been created for signage at our Super 8 Motel.

We wish to have the opportunity to tell the planning Commission about the problems that we are faced with and hopefully come up with a solution that will benefit all. Our signage is representative of our image and Identification and is important to the success of our business.

Thank you for your kind attention in this matter If you have any question please do not hesitate to call me at 510-581-3067 and Thank you.

Sincerely Yours


Rajeshkumar Khatri aka (Roger)

cc:\ United Sign System ✓

ATTACHMENT E



SUPER 8 MOTEL

To.
City of Hayward
Arlynne J. Camire AICP Associate Planner
Planning Division
777 B Street
Hayward, Ca. 94541

Page 1

December 12th 2002

Hand Delivered

Dear Arlynne J. Camire

Pursuant to the decision by the planning director on application of Sanjiv Bhandari (applicant) and Sandeep Salwan (owner) AUPPL-2002-0258.

I the property owner of the Super 8 Motel located at 21800 Foothill Blvd object to having the following condition approved by the staff:

- 1) I am objecting to having the property set back to be 10 foot from the property line. The current plan indicates to the set back to be at 10 foot all the homes and the new construction we built, are at the set back of 20 foot and there for the planning department should make the same consideration for the applicant.
- 2) The property height currently approved at 51 foot should be revised to lesser height approximately to be no more then 34 feet. The massive structure would adversely affect the neighborhood.
- 3) Furthermore I object to having a vet hospital or a clinic next to my property since this will adversely effect the nuisance that will be produced by the pets furthermore we already have number of vet clinic in the vicinity, some other use would be appropriate then a vet clinic, or vet hospital within neighborhoods.

I have addressed these concern when the application was made first, I hope that the planning directors shall look at this project closely and make its own decision weather or not a vet clinic of this magnitude is appropriate or not since it provide a living arrangement to keep the vets. ?

ATTACHMENT F

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I would strongly appose to having the vat hospital or the vet clinic next to my property, please have this matter be brought to the planning commission, I will attend the meeting if be scheduled after March 30th 2003 since I will be out of town till then. Should you plan on having the planning commission, meeting before that my son Sunil Khatri shall represent me in the meeting.

If you have any question please do not hesitate to call me at 510-733-5012.

Very Truly Yours



Rajesh K. Khatri

Owner

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, March 13, 2003, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Bogue, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Zermeno, McKillop, Caveglia, Sacks, Halliday, Thnay

CHAIRPERSON Bogue

Absent: COMMISSIONER None

Staff Members Present: Anderly, Conneely, Looney, Patenaude

General Public Present: Approximately 3

PUBLIC COMMENT

There were no public comments.

AGENDA

1. Appeal of the Planning Director's Conditional Approval of Administrative Use Permit Application No PL-2002-0258 - Sanjav Bhanfari (Applicant), Dharm Salwan (Owner) - Request to Construct and Operate a Three-Story Veterinary Clinic with an Upper Level Residence. The Property is located at 21888 Foothill Blvd, South of Grove Way

PUBLIC HEARINGS

- ✓ 1. Appeal of the Planning Director's Conditional Approval of Administrative Use Permit Application No PL-2002-0258 - Sanjav Bhanfari (Applicant), Dharm Salwan (Owner) - Request to Construct and Operate a Three-Story Veterinary Clinic with an Upper Level Residence. The Property is located at 21888 Foothill Blvd, South of Grove Way.

Principal Planner Patenaude made a brief report. He described the plan for the 3-story building and the appeal by the neighboring Super "8" Motel which sited issues with the setback of the building, height of the building, and the nuisance factor of barking dogs. Principal Planner Patenaude explained the changes in the plans for the Clinic from those originally seen by the Commission in November of 2002. The primary difference is that parking will be totally under the building in the new plan. Staff recommended denial of the appeal.

In response to questions and comments from commissioners, Principal Planner Patenaude stated that the design was much more compact and efficient. He also noted a retail space at the front of the building, which will provide more activity in that area.

Commissioner Thnay asked about the zoning in the area, and whether the building could be used as residential housing use automatically, if this use does not work out.

Principal Planner Patenaude responded they would have to come back to the City relative to the parking and number of units.

Commissioner McKillop asked about the mature trees on the property and whether they could be saved.

Principal Planner Patenaude responded that the trees at the front of the property would be sacrificed for the building. He said he was not sure whether the landscape architect had determined that the other trees were significant. Replacement trees would be required/

Commissioner Sacks asked about the continuation of Rockford Road, and the application's condition that the road would have to be extended.

Principal Planner Patenaude responded that the continuation would make access to the property at the end of the road possible for future residential development.

Commissioner Sacks then asked about the exposure of most of the utilities in front of the Super "8" motel, including gas lines.

Planning Manager Anderly said the landscaping seems to be lacking some maintenance, and the Fire Department hydrants which are they do not want to be hidden.

The public hearing was opened at 7:48 p.m.

Applicant Sanjiv Bhandari explained the design. He then responded to the comments of commissioners. He noted that there is a very large terrace on the Second floor. He commented on what was previously approved adding that the architect's design was physically impossible. He said they wanted to create a street scene along Foothill Boulevard. Even though the second story will be very useful, they put the animal wards in the middle of the floor. He noted that the double-insulated walls are to answer the concern for the family living there above the animal hospital. He explained the design of the insulation in the walls. He said they are almost doubling the standards demanded for insulation and energy savings. He commented that the trees on site in front would be replaced. In the back will be five new trees. The utility meters at the Super-8 are control meters, which do need further landscaping. He asked that the Rockford Road extension, condition 66 was in the conditions by error since the first concept for development in this area included building a development. He noted that he had discussed dropping that plan with the Planner who said condition 66 would be removed.

Commissioner Zermefio said the applicant had already answered two of his questions. He then asked about planned security measures for the elevator, which will be facing the street.

Mr. Bhandari said the whole facility would have security cameras as well as an electronic gate for access.

Commissioner Caveglia asked about condition #66 and whether Dr. Salwan owns the property on



Foothill.

Mr. Bhandari said he owns two other pieces of property on that street. They have the concept to buy all of the homes on the block and combine it into a larger parcel. At this point there are issues with the residences on Rockford. Once that is resolved, they might be able to develop plans for the area.

Commissioner Caveglia added that he was impressed with the building and what they have done.

Commissioner Halliday asked whether the area to the rear would remain open space and have replacement trees. She noted that the design for the housing on the third floor was interesting.

Mr. Bhandari said the owner of the clinic would live in the apartment. He added various plans for using the terrace by the family. He said the yard on the first floor would be for the animals.

The public hearing was closed at 8:01 p.m.

Chairperson Bogue talk about the site, whether it goes all the way up the hill.

Principal Planner Patenaude discussed the application to divide the property.

Commissioner Caveglia moved, seconded by Commissioner Zermeño, to deny the appeal. He noted that he was distressed that the appeal was made and the appellant did not show up. He said he was concerned about the frivolousness of the appeal. He commented that it is a beautiful building and will be an asset to Foothill Boulevard.

Chairperson Bogue referred to a letter from the appellant, explaining their concerns regarding the 10-foot setback, the height of building, as well as it being a veterinary clinic.

Commissioner Halliday asked for a clarification that Condition 66 be taken out.

Planning Manager Anderly said she is reluctant to just have the Condition taken out although the map is not recorded at this point, the condition should remain with the project.

Chairperson Bogue reopened the public hearing at 8:05 p.m. for a response from the applicant.

Mr. Bhandari said they had filed an application but have taken it back. He added that there is no desire to subdivide the parcel at this time. He pointed out the original plans for a subdivision on Rockford, indicating that negotiations are ongoing with the homeowners in that area. He indicated that this condition would delay building this building.

Commissioner Halliday asked if there would be a problem leaving the condition in the application at this point.

Principal Planner Patenaude stated that it is warranted to dedicate the right of way to provide for future development to the north.

Planning Manager Anderly said what staff is concerned about is crafting a condition so this area is set-aside for future, dedication or covenant. She said perhaps it is the actual wording of the condition. However, the City of Hayward needs come assurance that Rockford Street will pass through this area.

Principal Planner Patenaude said it would be appropriate to remove c. and d. of condition 66, the turn-around for a fire truck should still remain a condition. He indicated that the City would like to retain access of Rockford Road for the future.

Mr. Bhandari asked that the condition read, "Prior to subdivision of the lot or development on Rockford Road." He noted that this project does not even touch on the Rockford Road property.

Assistant City Attorney Conneely suggested the possibility of a delay or the City of Hayward could enter into an agreement for the dedication.

Mr. Bhandari said the owner cannot financially afford to build the cul-de-sac. He has to acquire more lots; a lot of things have to happen to justify it. He would back off completely from building this project, if the requirement is made to build the cul-de-sac. This building has no relationship to that project nor to the cul-de-sac.

Commissioner Halliday asked about dedicating the property to the City of Hayward. However, she noted, the buildings to the north should be the ones to dedicate the land.

Principal Planner Patenaude clarified that the City is not asking for construction of any improvements of the street by this condition. Staff is only asking for dedication of right-of-way in order to reserve that right-of-way for future use as a street.

Planning Manager Anderly explained that the hearing could be continued if the Commission was reluctant to act without further information. She added that the Super 8 was designed so the road could continue.

Chairperson Bogue asked how timely does the dedication of property have to be.

Principal Planner Patenaude explained that dedication is not a lengthy process.

Mr. Bhandari clarified that if there is not development there is no issue. He agreed that whatever terms Super 8 has made with the City, this owner would also make. He asked why this condition was made part of this application when no part of this project touches on Rockford Road.

Commissioner Halliday suggested that the applicant agree to dedicate that strip of road.

Mr. Bhandari asked not tie that to this project. He noted that it has been five years since the process was started. He said they have done quite a bit of work on the development in the back



and the results were not agreeable with anyone. He said the owner would agree and sign the agreement to dedicate the land.

Chairperson Bogue re-closed the public hearing at 8:22 p.m.

Commissioner Sacks commented that this was a done deal, which had been accepted by the City of Hayward and then appealed so it seems that this is inappropriate. She said she would support the motion.

Commissioner McKillop noted that if the motion retains condition 66, the applicant would not build the project.

Mr. Bhandari explained again that at the time anybody wants to extend the road, this owner would agree to dedicate the land.

Commissioner McKillop stated that unless condition 66 is out or revised, she could not support the motion.

Commissioner Zermeno said his impression is that the owner does not understand what dedication the right of way means. He said he would trust staff to work with the owner to compromise Condition 66.

Commissioner Caveglia said that made sense to him, he said he would modify his motion to remove Condition 66, with the understanding that staff and developer work out an arrangement. Staff is clear and the architect is clear. He said he would trust them to do that.

Chairperson Bogue said he would like to provide more direction to staff.

Commissioner Thnay said it would be a shame if the project were not built. He noted that condition 66 is a lapover from a previous project. He commented that staff knows better than anyone how to make this happen. Prior to the extension of Rockford Road, the owner shall provide the access of easement. He commented that it would be a shame if this project were not built since it will enhance the streetscape.

Commissioner Halliday expressed concern with approving a motion and just removing condition 66 in its entirety. She then read what her wording would be. She noted that this is part of the parcel and the Commission was just trying to get agreement that the piece of property to the north be available to the City of Hayward. If it remains part of the parcel the owners could block development on the property to the north unless it is specified that this parcel will be dedicated to the city. She added that it is a good building but she would not want to put undue burden on the property owner.

Planning Manager Anderly stated that if staff could not work out an agreement to affect the

agreement, it could be appealed again during the next ten-day appeal period. She felt staff could work out an agreement with the property owner.

Commissioner Zermefio stated that everybody agrees the building is an asset to the City of Hayward. He noted that the Commission should leave it to staff and the owners come to an agreement.

Commissioner Caveglia indicated that staff had heard us. Let staff do their job. We do not need to write every word tonight. They know what you have said, let them do it.

Commissioner McKillop said she has no reason not to vote for the motion at this point.

Commissioner Sacks stated that it is needs to be perfectly clear the effort will be made to ensure a possible extension of Rockford Road will not be blocked on this property.

Chairperson Bogue said removing 66 indicates that it is not clear that there will be access. He said he would like to see that it remains and instruct staff to create a new 66. It might seem like a small thing but when we say we are going to remove it, that is what is done when a condition is removed and we have no requirement for anything in the condition and that is not the case. We may need to tighten it up a little more and clearly say what we expect even though we will not be writing the actual wording.

Commissioner Caveglia stated that as part of his motion he stated that staff and the architect would work together to come to a final agreement to prevent blockage of future access to Rockford Road.

Commissioner Halliday said she was simply trying to protect the future development of the area. It should be clearly part of the motion.

Planning Manager Anderly said the applicant could appeal whatever decision might be made.

The motion passed unanimously.

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters.

Planning Manager Anderly noted the final meeting in March on the 27th, and the two meetings scheduled for April. She commented that Commissioner Thnay would be making a reservation for the pre-meeting dinner.

3. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

- January 9, 2003 - Approved with a minor change from Commissioner Thnay.
- February 13, 2003 - Approved

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

ALL WIRING TO BE INSTALLED
IN AN APPROVED RACEWAY PER
HAYWARD ELECTRIC CODE.
EMT MINIMUM

PROPOSED -
8' x 9'-6" INTER-
NALLY ILLUMIN-
ATED SIGN

SIGN "B"

THIS SIGN, ITS CONNECTIONS AND
SUPPORTING STRUCTURES SHALL BE
DESIGNED TO WITHSTAND WIND LOADS
AS SPECIFIED IN SEC 2311 UBC

PARKING
&
UTILITY AREA

SIGN "A"
SEE
DETAIL
DRAWING

RESCUED
AREA
24

DRIVEWAY

FRONT
SIDEWALK
ADDITIONAL PERMITS
ARE REQUIRED FOR
ELECTRICAL

APPROVED CKT
CITY OF HAYWARD 8/30/94
BUILDING INSPECTION DIVISION
BH 94-2109

FOOTHILL BLVD

SP 94-35

SITE PLAN



SUPER 8 MOTEL	
21800 FOOTHILL, HAYWARD, CA	
SCALE: $\frac{1}{8}" = 1'$	APPROVED BY:
DATE: 7/22/94	REVISION: 8/2
1 OF 7	
SITE PLAN - SIGNS "A" & "B"	



THIS SIGN, ITS CONNECTIONS AND
SUPPORTING STRUCTURES SHALL BE
DESIGNED TO WITHSTAND WIND LOADS
AS SPECIFIED IN SEC 2311 UBC

SCALE: 1/2" = 1'

1. Single Faced Internally Illuminated
2. Faces to be back decorated Lexan
with Black(8) and Red(SUPER-MOTEL)
copy and Yellow background

THIS DRAWING IS THE SOLE PROPERTY OF OCM SIGNS
AND MAY NOT BE REPRODUCED OR USED WITHOUT
THE EXPRESS PERMISSION OF OCM SIGNS



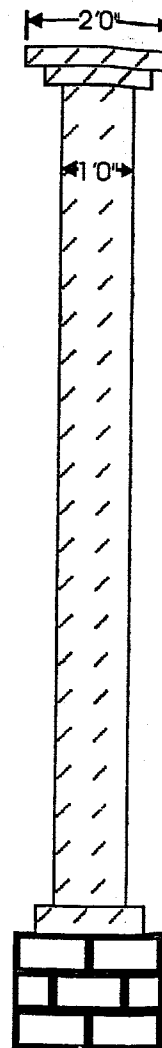
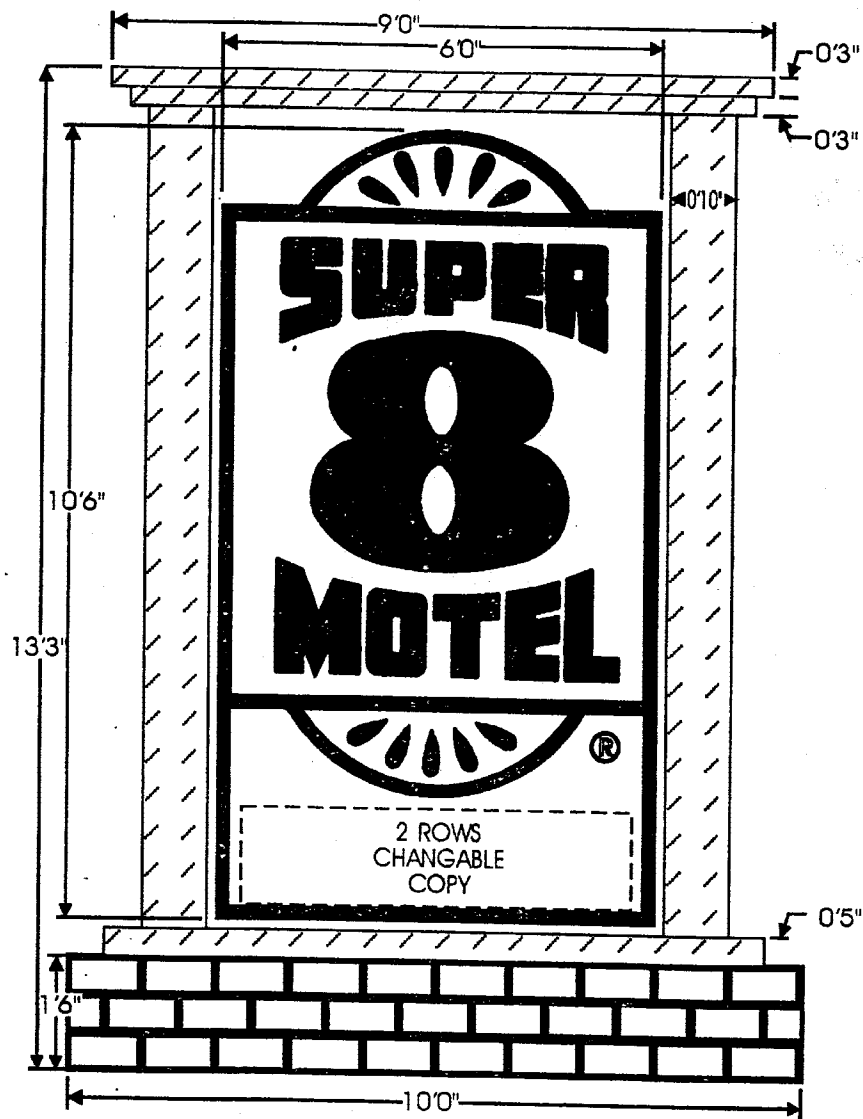
ALL WIRING TO BE INSTALLED
IN AN APPROVED RACEWAY PER
HAYWARD ELECTRIC CODE.
EMT MINIMUM

APPROVED *CKR*
CITY OF HAYWARD *8/30/94*
BUILDING INSPECTION DIVISION
B # 94-2109

Designed By
O.C. MOLLER SIGNS, INC.
dba OCM SIGNS
760 Reed Street
Santa Clara, CA 95054
Fon 408-727-0727
Fax 408-727-7481
PROJECT: SUPER 8 MOTEL
WALL SIGN
LAYOUT & DIMENSIONS
DATE: 08/14/94
DRAWING: SPR8WAL2

Manufactured & Installed By
RENEWED SIGNS
7608 Reed Street
Santa Clara, CA 95054
Fon 408-986-9859
Fax 408-727-7481
CA CONTACTORS LIC # 678750-C45

2 OF 7



ALL WIRING TO BE INSTALLED
IN AN APPROVED RACEWAY PER
HAYWARD ELECTRIC CODE.

EMT MINIMUM

1. Double Faced Internally Illuminated
2. Faces to be back decorated Lexan with Black(8) and Red(SUPER-MOTEL) copy and Yellow background
3. Support posts to be tubular steel with Texcoted sheet metal pole covers
4. Base and Top decorative panels to be Texcoted sheet metal
5. Base to be sheet metal with decorative Brick facade.

APPROVED CKR
CITY OF HAYWARD 8/30/94
BUILDING INSPECTION DIVISION

B# 94-2109

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3 OF

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